

### **REMARKS**

Claims 1-10 and 13-20 have been examined. Claims 1 and 13 have been amended. Applicant wishes to thank the Examiner for the interview of October 30, 2007. A summary of the interview is set forth below.

#### **Claim Rejections - 35 USC 103**

Claims 1-7, 10, 13-18 and 20 have been rejected under 35 USC 103 as being unpatentable over Duncan in view of Walker. This rejection is respectfully traversed.

To establish a prima facie case of obviousness, the cited references must teach all of the claim limitations. As pending, Duncan fails to teach at least the following limitations:

1. A single femoral component that resurfaces the entire distal femur.
2. A single femoral component that lacks protrusions.
3. A femoral component made of a one-piece construction.
4. A tibial component having a tray with a central stem.

While the office action attempts to cure this by relying on the Walker patent, stating that Walker is in the same field of endeavor, Walker still does not teach all claim limitations. For example, Walker does not teach a femoral component with a back surface which lacks protrusions. Indeed, Walker specifically describes protrusions for securely coupling the femoral component to the femur.

As discussed in the interview, the femoral component of claim 1 is a temporary prosthesis which is removed after the infection is treated. As such, Walker directly teaches away from the method of claim 1. Hence, not only does the combination of Duncan and Walker fail to teach all claim limitations, Walker teaches directly away from applicant's claimed invention. As such, the Walker patent is not in the same field of endeavor as claimed in the office action.

Hence, claim 1 is distinguishable without amendment. However, in order to expedite prosecution, claim 1 has been amended to recite that the femoral component does not project into the femur when attached, and that all surfaces contacting the femur do not have

protrusions. As such, it is respectfully requested that the rejection of claims 1-7 and 10 in view of Duncan and Walker be withdrawn.

Independent claim 13 has been amended in a similar manner and is also distinguishable and in condition for allowance along with dependent claims 14-18 and 20.

Claims 8, 9 and 19 have been rejected under 35 USC 103 as being unpatentable in view of Duncan, Walker and Shaffner. These claims dependent from independent claims which are distinguishable over Duncan and Walker. Since Shaffner also fails to teach such limitations, claims 8, 9 and 19 are also distinguishable and in condition for allowance. Also, applicant notes that Shaffner teaches directly away from Walker which uses a permanent implant and therefore would not be re-accessed to replace it after the infection has been treated.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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